

**STATE OF MARYLAND
JUDICIARY**

POLICY ON LEAVE

I. PURPOSE

To establish and clarify uniform practices and application for the administration of leave for employees of the Maryland Judiciary.

II. DEFINITIONS

A. Administrative Official:

1. The Clerk of Court for the Court in which the employee works;
2. The Administrative Clerk or Administrative Commissioner of the District in which the employee works; or
3. The director of the respective department or office within the Courts of Appeal, the Administrative Office of the Courts, the District Court Headquarters, or the Court-Related Agency in which the employee works.

B. Contractual Employee – Any person whose condition of employment and compensation are specified in a personal services contract.

C. Day – A scheduled work day.

D. Exempt Employee – An employee who is exempted from the overtime provisions of the Fair Labor Standards Act.

E. Full-Time Contractual Employee – A contractual employee who is scheduled and works 85% or more of a forty (40) hour week, per calendar year.

F. Leave – An absence from work, with a minimum use rate of 0.1 hour (at least six minutes).

G. Leave Year – A period of time beginning with the first complete pay

period of a calendar year and ending at the completion of the pay period that includes December 31 of that calendar year.

- H. **Liberal Leave** – A work status declared for the employee's work unit as a result of inclement weather or other sufficient reasons.
- I. **Non-Exempt Employee** – An employee who is covered by the overtime provisions of the Fair Labor Standards Act.
- J. **Overtime** – Hours worked in excess of 40 hours in a workweek. Generally, credit for hours worked includes paid leave. To get credit for hours worked in excess of an employee's normal workday on a day when leave is taken for any part of the day, the employee's excess hours must exceed the amount of leave taken. (*Commissioners may be excluded from earning overtime in some cases and should consult with the Administrative Commissioner or the Coordinator of Commissioner Activity for clarification of overtime provisions for Commissioners.*)
- K. **Prior Approval** – Approval of leave requested in advance and the approval is given prior to the leave being taken.
- L. **Regular Employee** – Any person holding a position funded under an approved budget and having an assigned Position Identification Number (PIN), not including contractual and temporary positions, nor those positions held by Judges, Masters, and Law Clerks.
- M. **Requested in Advance** – Leave that is requested sufficiently prior to the leave being taken as determined by the employee's Administrative Official or designee.
- N. **Temporary Employee** – Any person whose condition of employment is short-term (less than one year), whose compensation is not specifically budgeted, and is not governed by a personal services contract.

III. **SCOPE**

This policy applies to all regular employees and, as indicated in part, to Masters, Law Clerks, contractual, and temporary employees of the Maryland Judiciary.

IV. **POLICY STATEMENT**

The Judiciary recognizes that its employees may, on occasion, need to be

absent from work for their own various reasons, or as determined by an employee's Administrative Official. The Judiciary, therefore, provides its regular employees, and in some specific cases other classes of employees, with certain types and amounts of paid leave and unpaid leave which employees may use to cover these absences.

This policy explains what types of leave employees earn or are granted and in what amounts. The policy also explains the procedures and requirements to be used when an employee requests and/or uses such leave. Absences due to illness or death in the family, and certain absences of full-time contractual employees, are covered by separate policies (*Policy on Sick Leave*; *Policy on Bereavement Leave*; and *Policy on Contractual Positions*).

An employee may donate leave to another Judiciary employee or to the Judiciary Leave Bank under the provisions of the Judiciary *Policy on Leave Donations and the Judiciary Leave Bank*. Leave earned by or granted to an employee cannot be auctioned or sold to another employee.

V. TYPES OF LEAVE and ADMINISTRATIVE PROCEDURES

A. Accident Leave – Leave that may be granted to a regular employee retroactively. Eligibility begins on the initial date of a **job-related accidental personal injury** sustained by the employee that is ruled to be compensable by the Injured Workers' Insurance Fund (IWIF) or the Workers' Compensation Commission (WCC).

1. Paid accident leave equates to two-thirds of the employee's pay.
2. Accident leave ends when a medical provider certifies in writing that the employee is able to return to work, or at six months from the date of the initial date of injury, or when the IWIF or the WCC determines that it is to be rescinded, whichever first occurs.

B. Administrative Leave – Leave that may be granted to a regular (unless otherwise indicated) employee for the following purposes:

1. Delayed opening or early/emergency release or closing (Any employee on annual, sick, personal, or compensatory leave for the full day will be charged for a full day of leave. Any employee teleworking from home on a day when a delayed opening or early/emergency release or closing is declared, will be expected to continue to work from home on that day. *Contractual and*

*temporary employees will be paid for the time the office is closed for the above reasons provided they were scheduled to work during the time the office was closed and reported to work when the office was opened.);**

a. Delayed Opening

- (1) Any employee who is scheduled to work during the opening hours and who reports to work after the office is open, will be granted administrative leave for the period of work time missed due to the delayed opening.
- (2) Any employee who reports to work later than the delayed opening time will be required to use personal, annual, or compensatory leave for the work time missed (time of delayed opening to actual arrival time).
- (3) Any employee who fails to report to work after the office is open will be required to use his/her own leave for the employee's entire work day.
- (4) Any employee who is expected to report to a location other than the primary work site, is expected to follow the procedures for that location. The conditions described in the items above would be applicable, unless otherwise notified by his/her supervisor.
- (5) Any employee already scheduled to be on leave when the delayed opening occurs will remain on that leave. The employee will not be granted administrative leave for the period of work time missed while on the pre-approved scheduled leave.

b. Early Release

Early release for holidays is covered by Administrative Order, entitled "Early Release for Holidays."

If, due to inclement weather or emergency conditions, any Judiciary location closes its operation earlier than the regular closing time, the following applies:

- (1) Any employee who is at work and is scheduled to work until the end of the regular workday, will be granted administrative leave for the period of work time missed due to the early closing;
- (2) Any employee who is at work and requests to take

leave before the office is closed or before an announcement is made about closing, will be charged with leave for the period of time from his/her departure to the actual emergency closing time, and then administrative leave for the remainder of the workday;

- (3) Any employee who is working at a location other than the primary work site would generally follow the early release procedures for that location (the conditions described in the items above would be applicable). However, the employee must consult with his/her supervisor in the event of an early release to determine what procedure to follow.

c. Full-Day Closing

- (1) Administrative leave will be granted to an employee for a full-day closing if he/she is scheduled to work the full day. If the employee is scheduled to be off for any part of the day when the office is closed, the employee will be granted administrative leave for that portion of the day when he/she is scheduled to work.
- (2) Any employee who is scheduled to work at a location other than the primary work site would be granted administrative leave if that location was closed for a full day, unless otherwise notified by his/her supervisor. The employee must consult with his/her supervisor in this situation.

(*It is required by law that there shall be in each county and Baltimore City at least one District Court Commissioner available at all times. It is necessary for a Commissioner to be available even when a court location opens late, closes early, or closes for a full day. Therefore, Section V. B. 1 of this policy may not apply to District Court Commissioners.)

2. Jury service

- a. An employee who is selected for jury service shall notify his/her supervisor without delay and provide the supervisor with a copy of the jury service notice.
- b. An employee is entitled to administrative leave for jury service only when the service occurs on the employee's scheduled workday and the employee provides

- documentation that he/she served on that workday.
- c. When the employee is dismissed from jury service for the day, the employee shall return to work, time permitting, as determined by the employee's Administrative Official.
- 3. Legal action (*The employee, or the employee's dependant child, is subpoenaed to appear in court, provided the employee is not a party to the action or a paid witness – documentation and prior approval required*).
- 4. Military activity for up to 15 days (*Employment rights regarding absences for military leave are covered by various Federal and State laws – documentation and advanced notice required*).
- 5. State employment examination or State employment interview (*Up to 4 hours for each occurrence – documentation and prior approval required*).
- 6. State Retirement and Pension System sponsored seminars (*one per leave year – documentation and prior approval required*).
- 7. Serving as an election judge (*documentation and prior approval required*).
- 8. Disaster service (*Includes Masters, Law Clerks, contractual and temporary employees – documentation required.*)
 - a. If the employee is certified by the American Red Cross as a disaster service volunteer; and
 - b. The American Red Cross requests the service of the employee during a disaster that is designated at Level II or above in the regulations and procedures of the National Office of the American Red Cross;
 - c. An employee may use up to 15 days of disaster service leave in any 12-month period only after obtaining approval from the employee's Administrative Official;
 - d. For purposes of workers' compensation and the *Maryland Tort Claims Act*, while an employee is using disaster service leave, the employee is deemed **not** to be a State employee.
- 9. Organ donation (*Includes Masters, Law Clerks, contractual and temporary employees – documentation required*).
 - a. On request, an employee may be entitled to organ donation leave with pay;

- b. An employee may use up to 7 days of organ donation leave in any 12-month period to serve as a bone marrow donor;
 - c. An employee may use up to 30 days of organ donation leave in any 12-month period to serve as an organ donor;
 - d. An employee may use organ donation leave only after providing the required documentation and obtaining approval from the employee's Administrative Official prior to using the leave.
10. Other reasons deemed necessary by the appropriate Administrative Official, i.e. the Chief Judge of the Court of Appeals, and when appropriate the Chief Judge of the District Court, the State Court Administrator, or the Executive Director of the Judiciary Human Resources Department.

C. Annual Leave – Leave earned by a regular employee at a rate determined by the employee's length of service.

1. Annual leave earned per year, based on years of service*:
- a. Less than 5 years – 80 hours (10 days**);
 - b. At least 5 but less than 10 years – 120 hours (15 days**);
 - c. At least 10 but less than 20 years – 160 hours (20 days**); &
 - d. 20 or more years – 200 hours (25 days**).

**Part-time regular employees will earn annual leave on a prorated schedule based on their percentage of employment.*

***An 8-hour day.*

2. An employee entering State service for the first time is not eligible to use annual leave until he or she has completed six months of service **and** successfully completed the introductory probationary period, if required to serve one, including any extensions of the probationary period.
3. The use of Annual leave **must be requested in advance**, as determined by the Administrative Official or designee, and will be approved or denied at the discretion of the supervisor. Annual leave may be used only with the prior approval of the employee's supervisor, except in instances when liberal leave is declared or the employee is using annual leave in lieu of sick leave.
4. Annual leave may be used in lieu of sick leave, including for an absence covered by the Family Medical Leave Act (FMLA), when the employee is in jeopardy of losing annual leave or when the

employee's sick leave is exhausted. Annual leave used in lieu of sick leave shall be treated as sick leave when counting sick occurrences. (*See Policy on Sick Leave.*)

5. An employee may accumulate unused annual leave and may carry over from one leave year to the next, up to a maximum of 480 hours of unused annual leave. (Employees transferring to a Non-Judiciary State agency may only transfer a maximum of 400 hours of annual leave for the prior year plus the current year's earnings.)
6. Any accumulated and unused annual leave in excess of 480 hours shall be forfeited to the Judiciary Leave Bank at the beginning of the next leave year.
7. An employee whose State employment is terminated for a cause involving moral turpitude (may include, but is not limited to, theft, perjury, bribery, forgery, and vice crimes) forfeits all unused annual leave and all compensation for unused annual leave. Annual leave forfeited for this reason will be placed in the Judiciary Leave Bank.
8. An employee separated from State service, except for reasons stated in number seven of this subsection, will be compensated for all unused annual leave upon separation, provided the employee has completed six months of service.
9. An employee who leaves State service within six months after the employee's original appointment is not eligible for annual leave or compensation for annual leave.

D. Bereavement Leave (*See the Policy on Bereavement Leave.*)

E. Compensatory Leave – Leave earned by an employee (excluding Law Clerks, contractual, and temporary employees) in lieu of cash overtime.

1. When working:*
- a. On a Judiciary holiday;
- b. Before a delayed opening (if the employee is considered to be "essential" personnel as defined by the Administrative Official);
- c. After an early or emergency release or closing;
- d. When the employee's scheduled Alternative Work Schedule day falls on a paid holiday (*a maximum of 8 hours*);
- e. For exempt employees, when working authorized overtime; and

- f. When the Chief Judge of the Court of Appeals, the Chief Judge of the District Court or the State Court Administrator, based on budgetary constraints or in unusual situations, determines that compensation for overtime worked shall be offered only as compensatory leave.

(*These reasons may not apply to District Court Commissioners for the same reasons specified in Section V. B. 1.)

- 2. Law Clerks, contractual, and temporary employees do not earn compensatory leave and are compensated in cash for all overtime hours worked. Non-exempt contractual and temporary employees are compensated at the rate of time and one-half for overtime hours worked. Law Clerks and exempt contractual and temporary employees are compensated at the straight time rate for overtime hours worked unless the employee works during a Judiciary holiday, delayed opening, or an early/emergency release, in which case, the employee will be compensated at the rate of time and one-half.

- 3. Non-Exempt Employees

- a. Non-exempt employees (cash overtime eligible) normally are paid cash overtime at the rate of time and one-half for all overtime hours worked unless decided otherwise by the Administrative Official or in other exceptional cases described in this subsection.*

****Eligible non-exempt employees will be compensated in cash for all overtime hours worked unless decided otherwise by the Administrative Official upon the employee's request, or because of business necessity as determined by the Administrative Official, the Chief Judge of the Court of Appeals, the Chief Judge of the District Court, or the State Court Administrator with advance notice given to the employee, in which case, the employee will be compensated with compensatory leave.***

- b. Non-exempt employees may earn compensatory time at the rate of time and one-half.
- c. Non-exempt employees may accumulate a maximum of 240 hours of compensatory leave, in which case any additional overtime hours worked will be cash overtime.
- d. Compensatory leave earned in lieu of cash overtime by a

- non-exempt employee is not forfeited after one year.
- e. All compensatory leave earned in lieu of cash overtime by a non-exempt employee may be paid out at the time of separation from the Judiciary or transferred to another State agency.

4. Exempt Employees

- a. Exempt employees earn compensatory leave at the straight time rate unless the employee works during a Judiciary holiday, delayed opening, or an early/emergency release, in which case, the employee will earn compensatory leave at the rate of time and one-half. (Except for teleworkers who are working from a remote site. They will earn compensatory leave at the straight time rate.)
- b. For reasons specified in Section V. B. 1., District Court Commissioners may not earn compensatory time for working on a Judiciary holiday, delayed opening or early/emergency release or closing.
- c. Compensatory leave earned by exempt employees must be used within one year of the date the leave was earned or the leave will be forfeited to the Judiciary Leave Bank.
- d. There is no maximum amount of compensatory leave that an exempt employee may earn.
- e. An exempt employee may transfer up to 16 hours of compensatory leave to another State government agency. Up to 16 hours compensatory leave may be paid to an exempt employee upon separation from State employment. In cases of transfer to another State government agency or separation from employment for an exempt employee, compensatory leave exceeding 16 hours will be forfeited to the Judiciary Leave Bank.
- f. With prior authorization from the State Court Administrator or the Chief Judge of the District Court, whomever is appropriate, cash may be paid to an exempt employee in lieu of compensatory leave. This exception generally will be applied only in extreme and extraordinary circumstances.

- 5. The use of compensatory leave **must be requested in advance**, as determined by the employee's Administrative Official or designee, and will be approved or denied at the discretion of the supervisor. Compensatory leave may be used only with the prior approval of the employee's supervisor, except in instances when liberal leave is declared or the employee is using compensatory leave in lieu of sick leave.

6. Compensatory leave may be used in lieu of sick leave when the employee is in jeopardy of losing compensatory leave or when all sick leave is exhausted. Compensatory leave cannot be used, however, for absences covered by the FMLA. Compensatory leave used in lieu of sick leave shall be treated as sick leave when counting sick occurrences. *(See Policy on Sick Leave.)*

F. Contractual Leave – *(See the Policy on Contractual Positions.)*

G. Holiday Leave – Paid leave granted to employees for Judiciary holidays.

1. **Full-time Regular Employees** are granted 11 Judiciary holidays, with pay, per calendar year, and 12 during the year of a general election. Occasionally, additional days may be declared holidays. Employees, excluding District Court Commissioners, who work on any of these holidays will be credited with compensatory leave at the rate of time and one-half.
2. **Part-time Regular Employees** whose positions are less than 100% of a full-time position are granted holiday leave on a prorated schedule based on their percentage of employment.
3. **Full-time Regular Commissioners** are granted 11 holiday leave days per year or 12 during the year of a general election. One day of holiday leave is earned for each month except March, and in the year of a general election, two days are earned in November. Such leave must be used within the month in which it was earned, unless there are extenuating circumstances approved by the Administrative Official.
4. **Part-time Regular Commissioners** earn holiday leave as in item three above, except on a prorated schedule based on their percentage of employment. Such leave must be used within the month in which it was earned, unless there are extenuating circumstances approved by the Administrative Official.
5. **Full-time Contractual Employees** are eligible to receive holiday pay if:
 - a. The employee is in a position considered to be a contractual position that is neither temporary nor short term;
 - b. The employee is assigned to a full-time position (a contractual PIN designating the position as a 85% or more position) at the time the holiday occurs; and

- c. The employee worked either the day before or the day after the holiday.

Contractual employees who do not receive holiday pay are those hired on a temporary or part-time basis, those whose schedule is a rotation rather than full-time, and eligible employees who were absent from work the day before **and** the day after the holiday.

H. Leave Bank or Donated Leave – *(See the Policy on Leave Donations and the Judiciary Leave Bank.)*

I. Leave-Without-Pay – An absence for which a regular employee is not paid.

1. An employee may request leave-without-pay only when all paid leave has been exhausted. This requirement may be waived in cases where an employee's absence is protected by the FMLA and he/she has compensatory time remaining, or when the employee has exhausted all sick leave and is receiving Temporary Total Disability Benefits from the Injured Workers' Insurance Fund, or in cases involving a military leave of absence.
2. Requests for leave-without-pay of 15 days or less shall be submitted to the Administrative Official. Decisions on such requests are at the discretion of the Administrative Official and will be based upon the reason for requesting leave, the employee's previous management of leave, and on staffing requirements necessary to effectively operate the employee's unit.
3. Requests for leave-without-pay of over 15 days, but no more than 30 days, must be submitted to the Administrative Official and reviewed by both the Administrative Official and the Executive Director of Human Resources. Approval is at the discretion of the Executive Director of Human Resources.
4. Requests for leave without pay of more than 30 days will not be granted, unless for purposes of military duty (appropriate Federal and State laws regarding military leave of absence will apply), for absences protected by the Family Medical Leave Act, or a medical leave of absence (see Section VI).
5. An employee may be placed on leave-without-pay by the Administrative Official as a result of a disciplinary action or when the employee is absent without approval.

6. An employee who will be on leave-without-pay for one full pay period or longer should contact his/her local Human Resources Representative to take steps to protect his/her health insurance and death benefits.

J. Personal Leave – Regular employees are granted up to six days of personal leave each leave year.

1. For new State employees hired into regular positions, personal leave will be granted on a prorated basis as follows:
 - a. Hired between January 1 and February 29 – 6 days;
 - b. Hired between March 1 and April 30 – 5 days;
 - c. Hired between May 1 and June 30 – 4 days;
 - d. Hired between July 1 and August 31 – 3 days;
 - e. Hired between September 1 and October 31 – 2 days;
 - f. Hired November 1 or later – 1 day.

**Part-time regular employees will be granted personal leave on a prorated schedule based on their percentage of employment.*

2. Personal leave may be used for any purpose **with prior approval** (scheduled) or **without prior approval** (unscheduled) of the employee's supervisor. An employee may use personal leave **without prior approval** a maximum of **six times** within a leave year, provided that the employee notifies his/her immediate supervisor not later than **15 minutes after** the employee's normal reporting time, that the employee intends to use personal leave, and that the employee's absence does not create a critical shortage of staff in the employee's unit.* Insufficient notice, a critical shortage of staff, or a request for unscheduled personal leave that exceeds six times within a leave year, are grounds to deny the request for unscheduled personal leave. Once an employee has used unscheduled personal leave a maximum of six times within the leave year, then the employee must request personal leave in advance and only may use personal leave with the prior approval of the employee's supervisor. Unscheduled personal leave taken as a result of liberal leave being declared will not count toward the six occurrence limit.

**** Due to the statutory requirements regarding Commissioner availability, Commissioners must always obtain prior approval when using personal leave.***

3. A request for personal leave for observance of a religious holiday must be approved unless the approval creates a critical shortage of staff in the employee's unit and no reasonable accommodation to the employee's request can be made.
4. Personal Leave is non-accruing and, therefore, unused personal leave cannot be carried over from one leave year to the next. Any personal leave not used by the close of the leave year will be forfeited to the Judiciary Leave Bank.
5. Personal leave may be used in lieu of sick leave (including an absence covered by the FMLA) when the employee is in jeopardy of losing personal leave or when the employee has exhausted all sick leave. Personal leave used in lieu of sick leave shall be treated as sick leave when counting sick occurrences. (*See Policy on Sick Leave.*)

K. Sick Leave (*See the Policy on Sick Leave.*)

VI. MEDICAL LEAVE OF ABSENCE

A medical leave of absence without pay is a continuous extended absence, not to exceed six months, that may be granted to an employee who has a mental or physical condition that prevents the employee from performing the essential functions of his/her position.

A. Requesting a Medical Leave of Absence

1. An employee may request a medical leave of absence through his/her Administrative Official. An employee must request the medical leave of absence in advance of its need whenever reasonably possible.
2. An employee must provide medical documentation indicating that he/she is unable to work, the prognosis, and the anticipated date when the employee will return to work. A request for a medical leave of absence will not be approved if the medical documentation does not state an anticipated date of return within six months from the date of the request, or if the employee has indicated to his/her supervisor or any Judiciary Official that he/she will not be returning to work with the Judiciary. An examination by a medical provider of the employer's choosing may be required for continuous absences of more than 15 days and for establishing an employee's potential to perform the essential functions of his/her position upon returning to work.

3. The Administrative Official must immediately notify the Human Resources Department in writing of an employee's request for a medical leave of absence. The notification must be accompanied by the required medical documentation supporting the necessity for a medical leave of absence.
4. The Administrative Official is authorized to approve a medical leave of absence up to a maximum of 15 days. A request exceeding 15 days requires the approval of the Executive Director of Human Resources.
5. Before a medical leave of absence can be granted, an employee must have completed the initial probationary period and exhausted all available leave and all FMLA entitlements.

B. Returning to Work From a Medical Leave of Absence

1. Prior to returning to work, an employee must provide to the Administrative Official written notice of the employee's intention to return to work and medical documentation indicating the following:

- The date the employee is able to return to work;
- The employee is able to resume the essential functions of his/her position; and
- Any work restrictions or reasonable accommodations that are necessary and the length of time the restrictions or accommodations may be necessary.

The employee will not be allowed to return to work without first presenting the required medical documentation and all necessary reasonable accommodations have been made.

2. The Administrative Official must immediately notify the Human Resources Department when an employee has provided notice that he/she is ready to return to work.
3. An employee who returns to work within three months of beginning a medical leave of absence will be placed in the position held by the employee when the leave of absence began.
4. An employee who returns to work after three months but before the expiration of the leave of absence may be placed in the position held at the time the leave of absence began or a comparable position, if either is available.

5. If the employee's former position or a comparable position is not available at the time the employee notifies the Administrative Official that he/she is ready to return to work under number four of this subsection, then the employee will be placed in the first comparable position in the employee's unit that becomes available prior to the expiration of the leave of absence.
6. If the employee fails to accept a return to his/her former or comparable position when offered, then the employee forfeits all rights under this subsection.
7. If the employee returns to work under this subsection, then he/she retains the leave earning rates and seniority held at the time the employee began the leave of absence.
8. An employee who fails to return to work prior to the expiration of the medical leave of absence, and later is interested in returning to work, must apply for reinstatement or employment.

C. Health Benefits

Health benefits are not subsidized by the State while an employee is on a medical leave of absence. An employee may elect to retain all or part of his/her benefits at full premium cost to the employee. If benefits are retained, the employee will be billed by the State on a monthly basis.

VII. MILITARY LEAVE OF ABSENCE

A Military Leave of Absence without pay may be granted to an employee who has been called to active duty or voluntarily entered the uniformed services. The employee cannot be made to use his/her accrued leave while on active duty. The employee may, however, choose to use his/her accrued leave while on active duty. In that case, the leave of absence will not begin until the employee has exhausted accrued leave or the employee decides to discontinue using his/her accrued leave.

A. Eligibility

An employee must be a member of the uniformed services and have orders for a tour of duty. These orders may be in writing or verbal, however, the employee should provide the orders in writing when possible.

B. Criteria

1. An employee must provide his/her military orders, if possible, to the

Administrative Official when requesting a leave of absence. The employee may not possess written training orders at the time of the request.

2. The Administrative Official immediately will request authorization and assistance from the Judiciary Human Resources Department.
3. The employee who is on an approved military leave of absence retains reinstatement rights to his or her former classification within the Administrative Official's office or an equivalent position with comparable pay and benefits. An employee on a military leave of absence is permitted to remain on duty for a total of five years and still retain re-employment rights. Therefore, a military leave of absence cannot exceed a maximum of five years.

C. Notification of Military Obligation/Return

1. Employee Responsibility

An employee must notify the Administrative Official of his/her military obligation by providing a copy of the military orders, when possible.

Within ninety days of discharge from active duty, an employee must submit to the Administrative Official a written notification of his/her intent to return to work and a certificate of satisfactory completion of military service or notice of honorable discharge.

2. Administrative Official Responsibility

The Administrative Official must notify the Human Resources Department in writing of the employee's request for a military leave of absence. The notification must be accompanied by a copy of the military orders, when possible.

Upon receipt of an employee's notice of intent to return to work, the Administrative Official immediately shall notify the Human Resources Department and provide a copy of the notice of intent to return to work. A copy of the military orders showing the date of release from duty and the certificate indicating satisfactory performance of duty are to be included.

3. Human Resources Department

The Human Resources Department will initiate the process and discuss the procedural details with the Administrative Official regarding the employee's military leave of absence.

Upon notification from the Administrative Official regarding an employee's intent to return to work, the Human Resources Department will discuss with the Administrative Official the process required to reinstate the employee. The returning employee will be given any length of service or cost of living allowance that would have been received had the employment not been interrupted by military service. In addition, the employee cannot be denied promotions or any other employment benefit or advantage due to military service.

VIII. LIBERAL LEAVE POLICY

When Liberal Leave is declared, the employee* decides whether to report to work or to take leave for a partial or whole day.

The employee shall advise his/her supervisor of the employee's decision to use liberal leave, and what type of leave the employee wishes to take. Leave which may be taken under Liberal Leave is annual leave, compensatory leave (to the extent earned), personal leave, and leave-without-pay (if all of the above is exhausted).

An employee previously scheduled to be on leave for the day on which Liberal Leave is declared, shall remain on that leave.

****Those employees identified as essential employees by the Administrative Official, and District Court Commissioners, still may be required to report to work when liberal leave is declared.***

IX. INTERPRETATIVE AUTHORITY

The Judiciary Human Resources Department, in consultation with other parties as appropriate, is responsible for the interpretation of this policy.